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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

IN RE:

HOLOCAUST VICTIM ASSETS
LITIGATION

This document relates to: All Cases

Case No.CV 96-4849 (ERK)(MDG)
(Consolidated with CV 96-5161 and
CV 97-461)

MEMORANDUM & ORDER

Korman, Chief Judge:

I am in receipt of the May 23, 2007 Consolidated Report and Recommendations of the International Organization for Migration with Regard to Appeals Against Decisions in Slave Labour Class I, Slave Labour Class II and Refugee Class under the Holocaust Victim Assets Programme (Swiss Banks) ("IOM Consolidated Appeals Report"). The IOM Consolidated Appeals Report includes 37 appeals from all three classes and certifies recommendations to the Court as follows:

The IOM Consolidated Appeals Report includes two (2) appeals in Slave Labor Class I Appeals Group 4 that were received after the appeals deadline, but that are nonetheless recommended for reversal because the appellants, who were Roma, have plausibly demonstrated that they performed slave labour for the Nazi Regime. The remaining 25 appeals in Slave Labor Class I are not recommended for reversal because they were untimely-filed and the appellants did not plausibly demonstrate on *de novo* review that they were Roma-Sinti, Jehovah's Witness, Disabled or Homosexual or that they had performed slave labor for the Nazi Regime.

The IOM Consolidated Appeals Report does not recommend for reversal nine (9) appeals in Slave Labor Class II Appeals Group 3 because the appeals were untimely-filed and/or the appellants did not plausibly demonstrate on *de novo* review that they were forced to perform labor for a company on the Slave Labor Class II List.

The IOM Consolidated Appeals Report does not recommend for reversal one (1) appeal in Refugee Class Appeals Group 2 because the appeal was untimely-filed and the appellant's name does not appear on the List of Refugees Expelled from or Denied Entry into Switzerland, nor did he plausibly demonstrate on *de novo* review that he attempted to enter Switzerland as a refugee in order to avoid Nazi persecution and was denied entry or expelled. Additionally, the appellant's name does not appear on the List of Refugees Admitted into Switzerland.

The names and addresses of these individuals have been filed with the Court under seal in an exhibit accompanying the IOM Consolidated Appeals Report.

The IOM Consolidated Appeals Report advises that in accordance with the Distribution Plan, my Memorandum & Order dated June 28, 2001, and my Memorandum & Order dated September 25, 2002, IOM will be prepared, on or about May 31, 2007 to begin to transfer payments to:

Two (2) members of Slave Labor Class I

The two individuals described are being recommended for payment based on the information that was provided in their appeals and satisfy the eligibility criteria as stated in the Swiss Banks Settlement Agreement, the Distribution Plan and the HVAP Rules as adopted by the Court in its implementing orders.

Accordingly, in anticipation of the forthcoming distribution of:

USD 1,450 to two (s) individuals under Slave Labor Class I,

and who are included in the fourth group of appellants in Slave Labor Class I, it is hereby

ORDERED that the signatories to the Settlement Fund are hereby directed to transfer USD 2,900 from the Settlement Fund to the IOM-HVAP Citibank Geneva

Account to meet the projected distribution in Slave Labor Class I as described in the IOM Consolidated Appeals Report, and it is also

ORDERED that the original decisions concerning the 35 appeals (25 in Slave Labor Class I, 9 in Slave Labor Class II and 1 in Refugee Class) that are being recommended for rejection are unmodified.

The names and addresses of these individuals have been filed with the Court under seal in an exhibit accompanying the IOM Consolidated Appeals Report.

I will issue additional orders transferring further sums of money from the Settlement Fund as applications are approved.

SO ORDERED:

Edward R. Korman
United States District Judge

Dated: Brooklyn, New York
4/30, 2007